

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico2022 AUG 30 AM 11:27
CLERK-LAS CRUCESUnited States of America
v.
Julio Adrian MACIAS-Aguero
Jose Salvador ORTIZ-Villa
Rogelio Ismael VILLA-Flores

Case No: 22-1406 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of August 28, 2022 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections), an offense described as follows:

Knowingly, intentionally, and unlawfully conspired, combined, confederated and agreed with others known and unknown, to commit offenses against the United States, namely: to transport, move, and attempt to transport and move an alien within the United States by means of transportation and otherwise

This criminal complaint is based on these facts:

On August 28, 2022, at approximately 11:50 pm, a Border Patrol Agent was traveling north on Highway 185 in Dona Ana County, New Mexico when he encountered three vehicles also traveling north on Highway 185-mile marker 16. The agent followed the vehicles when he noticed a fourth vehicle behind him also traveling north. At approximately mile marker 21, five miles south of the Border Patrol checkpoint, the three vehicles in front of the agent pulled over on the shoulder. Two vehicles made a U-turn heading southbound on Highway 185. The agent made a U-turn and followed the two vehicles southbound. The two other vehicles continued northbound. The agent gave other agents in the area the descriptions of the vehicles.

☒ Continued on the attached sheet.

Sworn to before me via telephone and signed in my presence.

Date: August 30, 2022

City and state: Las Cruces, N.M.

Mark Nevarez
Complainant's signature

Mark Nevarez, Agent

Printed name and title

Gregory B. Wormuth
Judge's signature

Gregory B. Wormuth, Chief U.S. Magistrate Judge

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Julio Adrian MACIAS-Aguero, et al.

Continuation of Statement of Facts:

At approximately mile marker 15, the agent initiated a vehicle stop on a Jeep Cherokee. The other vehicle, a Dodge Durango continued traveling southbound. The agent approached the driver of the Jeep Cherokee and observed multiple occupants. The driver, Defendant Julio Adrian Macias-Aguero, and the passengers were questioned as to their citizenship. Defendant Macias-Aguero and the passengers admitted to being in the United States illegally without any immigration documents to be or remain legally.

Agents responded to the area where the vehicles were last seen. An agent initiated a vehicle stop on the Dodge Durango. The agent questioned the driver, Defendant Jose Sandoval Ortiz-Villa, and the passengers as to their citizenship. Defendant Ortiz-Villa and the passengers admitted to being in the United States illegally without any immigration documents to be or remain legally.

An agent driving on Highway 185 observed two vehicles matching the description that was given traveling south on Highway 185. The agent activated his emergency lights to conduct a vehicle stop on the vehicles but one vehicle, a Chevy Tahoe, pulled into a driveway where multiple passengers exited and ran from the vehicle and the other vehicle, a Ford Focus, continued southbound. Multiple agents responded and located a group of individuals hiding in the brush. The individuals were questioned as to their citizenship and admitted to being in the United States illegally without any immigration documents to be or remain legally.

Agents observed the Ford Focus and initiated a vehicle stop. Agents conducted an immigration inspection of all occupants in the vehicle. The driver, Defendant Rogelio Ismael Villa-Flores, and all the passengers admitted to being in the United States illegally and did not possess any immigration documents.

Defendant Macias-Aguero, Defendant Ortiz-Villa, Defendant Villa-Flores and thirty undocumented aliens from the four vehicles were transported to the Border Patrol station in Las Cruces, New Mexico for further questioning and processing.

Post Miranda statement of Defendant Jose Salvador Ortiz-Villa:

Defendant Ortiz-Villa states he works for an individual that he met via social media. Ortiz-Villa states this individual gives him instructions on where to pick up illegal aliens and where to transport them. Ortiz-Villa states this is his fifth or sixth time transporting illegal aliens from El Paso, Texas to Albuquerque, New Mexico.

Defendant Ortiz-Villa stated on August 28, 2022, he received a message from the same individual stating he had people for him to transport to Albuquerque, New Mexico. Ortiz-Villa stated he was instructed to meet with the other three vehicles that he was travelling with at a gas station. Ortiz-Villa stated he was given twelve illegal aliens. Ortiz-Villa stated he and the other three drivers were to follow each other to Albuquerque, New Mexico. Ortiz-Villa stated once he gets to Albuquerque, he is given a number to call to receive instructions on where to deliver the illegal aliens. Ortiz-Villa states he gets paid monetarily when the illegal aliens are delivered. Ortiz-Villa was told the Border Patrol will just return him to Mexico and he will not go to jail. Ortiz-Villa stated he and the drivers of the other three vehicles all work for the same smuggler and they were all travelling together.

Post Miranda statement from Defendant Julio Adrian Macias-Aguero:

Defendant Macias-Aguero stated he illegally entered the United States on August 20, 2022, near Santa Teresa, New Mexico and was transported to a residence in El Paso, Texas. At the residence, Macias-Aguero stated the caretaker offered him work to transport illegal aliens from El Paso, Texas to Albuquerque, New Mexico. Macias-Aguero stated he agreed as he was in need of money.

Defendant Macias-Aguero stated on August 28, 2022, the caretaker of the residence organized a four-vehicle tandem alien smuggling scheme. Defendant Macias-Aguero stated the caretaker of the house hired three additional drivers to transport illegal aliens from that location to Albuquerque, New Mexico. Defendant Macias-Aguero stated he met Defendant Rogelio Ismael Villa-Flores and Defendant Jose Salvador Ortiz-Villa at the residence.

Defendant Macias-Aguero stated the caretaker of the residence informed all the drivers the job would be easy because the immigration checkpoint was closed. Defendant Macias-Aguero stated the caretaker provided him a cellphone and instructed him to lead the other three vehicles driving a white Dodge Durango. Defendant Macias-Aguero stated once he arrived in Albuquerque, New Mexico he would be given instructions where to drop off the illegal aliens. Defendant Macias-Aguero stated he was going to be paid monetarily to transport the illegal aliens. Defendant Macias-Aguero stated this was his first time transporting illegal aliens. Defendant Macias-Aguero stated once he had delivered the illegal aliens he was going to return to El Paso, Texas to continue working for the alien smuggling organization.

Post Miranda statement of Defendant Rogelio Ismael Villa-Flores:

Defendant Villa-Flores stated he illegally entered the United States near Santa Teresa, New Mexico and was taken to a residence in El Paso, Texas. Defendant Villa-Flores stated the caretaker of the residence offered him work transporting illegal aliens from El Paso, Texas to Albuquerque, New Mexico. Defendant Villa-Flores agreed.

Defendant Villa-Flores stated on August 28, 2022, the caretaker of the residence hired three additional drivers to transport illegal aliens from El Paso, Texas to Albuquerque, New Mexico. Defendant Villa-Flores stated one of the drivers, Defendant Ortiz-Villa was his cousin. Defendant Villa-Flores stated he was told it would be easy because the Border Patrol checkpoint would be closed. Defendant Villa-Flores was provided a cellular phone and was instructed to follow one of the other vehicles. Defendant Villa-Flores stated he would be paid monetarily to transport the illegal aliens. Defendant Villa-Flores stated once he had delivered the illegal aliens he was going to return to El Paso, Texas to continue working for the alien smuggling organization.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

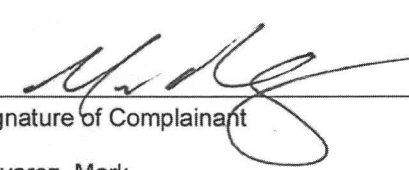
Evidence suggests that Defendant Ortiz-Villa, Defendant Villa-Flores and Defendant Macias-Aguero are members of an alien smuggling organization that intended to continuously participate in criminal alien smuggling schemes.

Assistant United States Attorney Marisa Ong was presented with the aforementioned facts and authorized criminal prosecution for Defendant Ortiz-Villa, Defendant Villa-Flores and Defendant Macias-Aguero under 8 U.S.C. 1324(a)(1)(A)(v)(I).

Continuation of Statutory Language:



Signature of Judicial Officer



Signature of Complainant

Nevarez, Mark

Filing Agent